

REMARKS

Reconsideration of the subject patent application is respectfully requested in view of the preceding amendments and for the following reasons. No new issues are raised that would require a further search and the Examiner is requested to enter and consider the amendments and remarks set forth herein, which are believed to place the application in condition for immediate allowance.

Prior to entry of this Amendment, claims 1-66 are pending in the subject application. Of those claims, claims 2-15, 53-59 and 63-66 are allowed, claims 16-52 are withdrawn as a result of a restriction requirement and claim 1 and claims 60-62 are rejected.

In the interest of advancing the prosecution of this application, Applicant cancels nonelected claims 16-52, without prejudice to pursuing the subject matter of these claims in one or more divisional or continuing applications.

Thus, the only remaining issue in the outstanding Office Action is the rejection of independent claim 1 and claims 60-62, which each depend from claim 1. In particular, these claims stand rejected under 35 U.S.C. § 102(b) as being anticipated by newly applied U.S. Patent 5,948,621 to Turner et al. (Turner). Applicant respectfully traverses this rejection and asserts that Turner neither discloses nor suggests the invention of claim 1 or claims 60-62 for at least the following reasons.

Applicant's claim 1 is directed to a patterning transfer element comprising a polymer gel, which comprises a HEMA copolymer, and a crosslinking agent for patterning biological materials. Claims 60-62 each depend from claim 1 and specify further detailed features of the element.

To anticipate a claim, a single source must contain all of the elements of the claim. See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379 (Fed. Cir. 1986). Applicant respectfully asserts that while Turner discloses a "stamp", Turner does not disclose nor suggest Applicant's presently claimed patterning transfer element comprising a polymer gel, which comprises a HEMA copolymer, and a crosslinking agent for patterning

biological materials. The Examiner also appears to even recognize at page 3, paragraph 7, of the outstanding Office Action that Turner does not disclose, nor even suggest, such a patterning transfer element. Accordingly, reconsideration and withdrawal of this rejection is believed to be warranted.

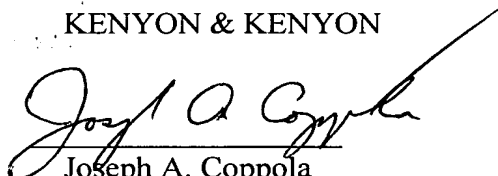
Also, in accordance with 37 C.F.R. § 1.121, attached hereto is a marked-up version of the changes made by the present Amendment. The attached pages are captioned "Version with Markings to Show Changes Made."

In view of the foregoing, the application is believed to be in condition for immediate allowance. A Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

KENYON & KENYON

Dated: June 17, 2003


Joseph A. Coppola
Reg. No. 38,413

One Broadway
New York, New York 10004
(212) 425-7200

CUSTOMER NO. 26646
PATENT TRADEMARK OFFICE

Version with Markings to Show Changes Made

In the Claims:

Please amend claim 1 and cancel, without prejudice, nonelected claims 16-52 as follows:

1. (Amended) A patterning transfer element comprising a polymer gel, which comprises a HEMA copolymer, and a crosslinking agent for patterning biological materials.

Cancel nonelected claims 16-52 without prejudice.